

seizure and condemnation of 35 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blue Valley Produce Co., from Portland, Oreg., July 7, 1923, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Valley Produce Co., Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

On July 27, 1923, the C. H. Sommer Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11780. Adulteration and misbranding of red kidney beans. U. S. v. 45 Cases, et al., of Red Kidney Beans. Default decree of condemnation, forfeiture, and destruction with respect to a portion of the product. Consent decrees of condemnation and forfeiture with respect to remainder and product released under bond.** (F. & D. Nos. 12236, 12280, 12281. I. S. Nos. 12465-r, 12470-r, 12471-r. S. Nos. C-1818, C-1819, C-1830.)

On March 5 and 10, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 cases of red kidney beans, in part at Marion and in part at Youngstown, Ohio, alleging that the article had been shipped by George Van Camp & Sons Co., Westfield, Ind., in various consignments, namely, on or about September 5, September 13, and October 17, 1919, respectively, and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Acts. The article was labeled in part: "Red Kidney Beans Packed By George Van Camp & Sons Co. Westfield, Ind."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 1, 1922, George Van Camp & Sons Co. having appeared as claimant for 29 cases of the product and having admitted the allegations of the libels, judgments of the court were entered finding the said portion of the article to be misbranded and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act. On December 30, 1922, no claimant having appeared for the remaining 45 cases of the product, a decree of the court was entered finding the said portion to be adulterated and misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said portion of the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11781. Misbranding of flu preventive and rheumatism recipe. U. S. v. 80 Cases Containing Flu Preventive and Rheumatism Recipe. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14650. S. No. W-888.)

On March 18, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 cases containing 2 dozen bottles each (mixed indiscriminately) of flu preventive and rheumatism recipe, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been

shipped by L. B. Boreiko, from Honolulu, Hawaii, arriving at San Francisco, Calif., February 1, 1921, and transported from the Territory of Hawaii into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the flu preventive by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, and water, flavored with methyl salicylate. Approximately 99 per cent of the product was water. Analysis of a sample of the rheumatism recipe by said bureau showed that it consisted essentially of extracts of plant drugs, including a laxative drug, iodide, a mercury compound, and water. Approximately 99 per cent of the product was water.

Misbranding of the articles was alleged in the libel for the reason that the labeling bore the statement, "Alcohol 6 Per Cent," whereas the analysis showed that the flu preventive contained only a trace of alcohol and that the rheumatism recipe contained none. Misbranding was alleged for the further reason that the articles were labeled, respectively, as follows, (flu preventive) "Flu Preventive \* \* \* Tonic And Restorative Preventive Because it puts the System in condition to resist the Flu. Restorative Because It Brings Renewed Vitality," (rheumatism recipe) "Purifies the Blood \* \* \* Two Bottles Are Usually Sufficient," which statements were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11782. Adulteration of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14673. I. S. No. 2340-t. S. No. C-2893.)**

On March 24, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color, remaining in the original unbroken package at Dennison, Ohio, alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about March 3, 1921, and transported from the State of Missouri into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. \* \* \* St. Louis \* \* \* Complies With All Requirements \* \* \* Quality Color \* \* \* Number 112 Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11783. Misbranding of Leslie's emmenagogue pills, Arthur's emmenagogue pills, and Thomas' emmenagogue pills. U. S. v. 12 Packages of Leslie's Emmenagogue Pills, 11 Packages of Arthur's Emmenagogue Pills, and 5 Packages of Thomas' Emmenagogue Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15112. S. No. C-3099.)**

On July 4, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 packages of Leslie's emmenagogue pills, 11 packages of Arthur's emmenagogue pills, and 5 packages of Thomas' emmenagogue pills at Jacksonville, Tex., alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., in part October 25, 1919, and in part November 6, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.